



State of Ohio Environmental Protection Agency

**STREET ADDRESS:**

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 644-3020 FAX: (614) 644-3184  
www.epa.state.oh.us

**MAILING ADDRESS:**

P.O. Box 1049  
Columbus, OH 43216-1049

November 14, 2008

**Certified Mail**

Chris Filos  
President  
Taylor's Industrial Services, LLC  
820 West Marion Road  
Mt. Gilead, Ohio 43338

RECEIVED

NOV 17 2008

**RE: Proposed Director's Final Findings and Orders**

OHIO EPA/CDO

Dear Mr. Filos:

As you may be aware, on June 9, 2008, Ohio EPA conducted a hazardous waste compliance inspection of the Taylor's Industrial Services, LLC facility located in Mt. Gilead. The inspection revealed numerous violations of the state's hazardous waste laws including the storage of hazardous waste without a permit in violation of Ohio Revised Code sections 3734.02(E) and (F). Ohio EPA informed Taylor's Industrial Services, LLC of the violations in a letter dated June 30, 2008. These violations are serious and I have determined that an enforcement action with a civil penalty settlement is necessary.

In order to resolve this matter, I am proposing to issue the enclosed Director's Final Findings and Orders. The Director's Final Findings and Orders, as proposed, require the payment of a \$119,500 civil penalty settlement. Also enclosed is an information sheet which has been designed as an aid to help you understand the administrative enforcement process within Ohio EPA's Division of Hazardous Waste Management. The information sheet includes answers to questions commonly posed by persons involved in the administrative enforcement process. If you are willing to accept the Director's Final Findings and Orders, as written, please contact Todd Anderson of Ohio EPA's Legal Office at (614) 644-3037 within fourteen (14) days of your receipt of this letter.

A resolution through Director's Final Findings and Orders would avoid the time and expense associated with litigation upon referral of this matter to the Ohio Attorney General. If you are unwilling to accept the Director's Final Findings and Orders as written, I encourage you to pursue the possibilities of settlement through a settlement meeting or telephone conference. Prior to any settlement meeting or telephone conference, you should provide a written response to the proposed Director's Final Findings and Orders that clearly and directly explains

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

your position regarding **Section IV., Findings** and **Section V., Orders**. It would be helpful if in the response, you presented the circumstances or arguments that you believe constitute grounds for defense, if any, and the facts you believe should be considered by Ohio EPA in determining whether to mitigate the proposed civil penalty settlement. When preparing your written response, I ask that you do so in reference to the civil penalty summary sheet attached to the Director's Final Findings and Orders.

If you decline to enter into consensual Director's Final Findings and Orders or do not respond to this letter within the fourteen (14) day time frame, I will deem this offer withdrawn and I will consider other enforcement alternatives including referral of this matter to the Ohio Attorney General. Because this letter and the attached documents summarize a proposed settlement, I consider them inadmissible by Taylor's Industrial Services, LLC for any purpose in any enforcement action that the state may take against Taylor's Industrial Services, LLC should this offer be declined.

I hope that Taylor's Industrial Services, LLC and Ohio EPA are able to resolve this matter via the enclosed proposed Director's Final Findings and Orders, and I thank you in advance for your cooperation.

Sincerely,



Chris Korleski  
Director

cc: Isaac Robinson, Chief, CDO  
Mike Savage, Chief, DHWM  
Todd Anderson, Legal

Enclosures

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BEFORE THE  
OHIO ENVIRONMENTAL PROTECTION AGENCY

OHIO EPA/CDO

In the Matter of:

Taylor's Industrial Services, LLC  
820 West Marion Road  
Mt. Gilead, Ohio 43338

Director's Final  
Findings and Orders

Respondent

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders (Orders) are issued to Taylor's Industrial Services, LLC (Respondent) pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency (Ohio EPA) under Ohio Revised Code (ORC) §§ 3734.13 and 3745.01.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of Respondent or of the Facility shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).



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Chris Korleski  
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III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3734. and the rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code (OAC) rule 3745-50-10(A).

2. Respondent is the owner and operator of a manufacturing facility that produces and supplies extrusion systems, injection molding machines, die casting equipment and components for wind turbines and is located at 820 West Marion Road, Mt. Gilead, Morrow County, Ohio 43338 (Facility). Respondent is authorized to do business in Ohio.
3. Ohio EPA was notified on August 18, 1980 regarding hazardous waste activities at the Facility and assigned generator identification number OHD071641633 to the Facility.
4. At the Facility, Respondent operates three paint spray booths and generates "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03. Respondent typically generates hazardous waste in amounts classifying it as a conditionally exempt small quantity generator. Respondent generates hazardous waste paint waste which exhibits the characteristic of ignitability (D001), exceeds the regulatory level for the toxicity characteristic for methyl ethyl ketone (D035), and is also a listed hazardous waste (F003, and F005).
5. On June 9, 2008, Ohio EPA performed a compliance evaluation inspection at the Facility. At the time of the inspection, Ohio EPA determined Respondent had accumulated more than 1000 kilograms of hazardous waste on site and therefore was subject to regulation as a small quantity generator pursuant to OAC rule 3745-51-02(G)(2).
6. As a result of the inspection on June 9, 2008, Ohio EPA determined that Respondent had, *inter alia*:
  - a. Stored hazardous waste for greater than 180 days, in violation of ORC §3734.02(E) and (F);
  - b. Failed to evaluate its waste and spent fluorescent lamps to determine if they were hazardous waste, in violation of OAC rule 3745-52-11;
  - c. Failed to keep satellite accumulation containers closed at all times except when adding or removing waste, in violation of OAC rule 3745-52-34(C)(1)(a);
  - d. Failed to label the containers of hazardous waste with the accumulation start date, in violation of OAC rule 3745-52-34(D)(4);
  - e. Failed to maintain adequate aisle space in the hazardous waste accumulation area to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any

area of facility operation in an emergency, in violation of OAC rule 3745-65-35; and,

- f. Failed to conduct weekly inspections of the area where the hazardous waste was being accumulated and record the inspections in a log or summary, in violation of OAC rule 3745-66-74.
7. By letter dated June 30, 2008, Ohio EPA notified Respondent of the violations referenced in Finding No. 6. of these Orders.
8. The June 30, 2008, letter from Ohio EPA also expressed concerns regarding a waste pile that was observed outside of the fenced area at the rear of the Facility property.
9. In electronic mail dated August 8 and August 14, 2008, Respondent provided information to address the violations discovered during the June 9, 2008 inspection at the Facility.
10. On August 13, 2008, Ohio EPA conducted a follow-up inspection at the Facility.
11. By letter dated August 26, 2008, Ohio EPA notified Respondent that based on a review of the information submitted by Respondent and the follow-up inspection of the Facility on August 13, 2008, the violations set forth in Finding Nos. 6.c., 6.d., 6.e., and 6.f. were abated.
12. Because no releases of hazardous waste were observed in the less than 180 day hazardous waste storage area, and Respondent will continue to use this area to accumulate its hazardous waste, the Director has determined that closure of the unpermitted hazardous waste storage area referenced in Finding No. 6.a. is not required of Respondent at this time.

#### **V. ORDERS**

Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated there under according to the following compliance schedule:

1. Within 30 days after the effective date of these Orders, Respondent shall evaluate its wastes including but limited to the waste pile referenced in Finding No. 8. of these Orders to determine if the wastes are hazardous wastes in accordance with OAC rule 3745-52-11 and submit the results of the evaluation to Ohio EPA for review and approval.



2. Within 60 days after the effective date of these Orders, Respondent shall submit documentation that any hazardous waste at the Facility has been transported to a hazardous waste facility operating under a permit issued in accordance with ORC Chapter 3734.
3. Respondent shall pay to Ohio EPA the amount of \$119,500.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734., in accordance with the following provisions:
  - a. Within 30 days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of \$95,600.00 in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3734. and which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by an official check made payable to "Treasurer, State of Ohio" for \$95,600.00. The official check shall be submitted to Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying the Respondent and the Facility. A copy of this check shall be submitted in accordance with Section X. of these Orders.
  - b. In lieu of paying the remaining \$23,900.00 of civil penalty to Ohio EPA, Respondent shall fund a supplemental environmental project (SEP) by making a contribution in the amount of \$23,900.00 to the Ohio EPA Clean Diesel School Bus Program (Fund 5CD). Respondent shall make the payment within 30 days after the effective date of these Orders by tendering an official check made payable to "Treasurer, State of Ohio" for \$23,900.00. The official check shall be submitted to Brenda Case, or her successor, Ohio EPA, Office of Fiscal Administration, Department L-2711, Columbus, Ohio 43260-2711, together with a letter identifying Respondent. A copy of this check shall be submitted in accordance with Section X. of these Orders, and an additional copy of this check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, Ohio EPA, Division of Air Pollution Control, P.O. Box 1049, Columbus, Ohio 43216-1049.
  - c. Should Respondent fail to fund the SEP within the required time frame established in Order No. 3.b., Respondent shall pay to Ohio EPA, within 7 days after failing to comply with Order No. 3.b., the amount of \$23,900.00 in accordance with the procedures in Order No. 3.a.

## **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and Ohio EPA's Division of Hazardous Waste Management acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is a corporate officer who is in charge of a principal business function of Respondent.

## **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's Facility.

## **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

## **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

**X. NOTICE**

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Ohio Environmental Protection Agency  
Lazarus Government Center  
Central District Office  
Division of Hazardous Waste Management  
50 West Town Street  
Columbus, Ohio 43215  
Attn: DHWM Manager

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Chris Korleski, Director  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Hazardous Waste Management  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attn: Manager, Compliance Assurance Section

For deliveries to the building:

Chris Korleski, Director  
Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Hazardous Waste Management  
50 West Town Street  
Columbus, Ohio 43215  
Attn: Manager, Compliance Assurance Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

### **XI. RESERVATION OF RIGHTS**

Ohio EPA reserves its rights to exercise its lawful authority to require Respondent to perform closure and corrective action at the Facility at some time in the future, pursuant to ORC Chapter 3734. or any other applicable law. Respondent reserves its rights to raise any administrative, legal or equitable claim or defense with respect to any final action of the Director regarding such closure or corrective action. Ohio EPA and Respondent each reserve all other rights, privileges and causes of action, except as specifically waived in Section XII. of these Orders.

### **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Except for the rights to seek closure and corrective action at the Facility by Respondent, which rights Ohio EPA does not waive, compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

### **XIII. EFFECTIVE DATE**

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

# Penalty Summary Sheet

Respondent: HPM Division, Taylor's Industrial Services, LLC

Citation	Description	Potential for Harm	Extent of Deviation	Gravity Penalty	Events of Violation	Multi-event Penalty	Economic Benefit	Adjustments	Total Penalty
1C §3734.02(E) & (F)	Storage of as many as twenty-one 55-gallon containers of hazardous waste paint waste for > 180 days. No shipments of hazardous waste since operations began in 2001.	Major	Major	\$10,000	> 180 days	179 days X \$500	Not calculated		\$ 99,500.00
1C rule 3745-52-11	Failed to evaluate four 55-gallon containers of grease and solvent waste and failed to evaluate spent fluorescent lamps to determine if these wastes were hazardous waste.	Moderate	Major	\$4400	N/A		Not calculated		\$ 4400.00
1C rule 3745-52-34 (1)(a) and (4)	Failed to keep a satellite accumulation container closed at all times, except when adding or removing waste; failed to label the containers of hazardous waste paint waste with the accumulation start date.	Moderate	Major	\$4400	N/A		Not calculated		\$ 4400.00
1C rule 3745-65-35	Failed to maintain adequate aisle space around containers in the hazardous waste paint waste accumulation area.	Major	Moderate	\$8000	N/A		Not calculated		\$ 8000.00
1C rule 3745-66-74	Failed to conduct weekly inspections of the area where the hazardous waste paint wastes were being accumulated and record the inspections in a log or summary.	Moderate	Moderate	\$3200	N/A		Not calculated		\$ 3200.00
Total Penalty									\$ 119,500.00

8/28/2008

